

POLICY CLARIFICATION

To: Development Community and Consultants
Date: September 18, 2020
Re: Variance Request Policy Clarification for Engineering Criteria Manual

A design variance is an approval or waiver issued by the Public Works Variance Committee authorizing a deviation from one or more requirements from the Engineering Criteria Manual that includes the Subdivision Policy Manual, Pavement Design Criteria Manual, the Traffic Criteria Manual, and standard drawings and specifications and related policy clarifications (City design requirements) for public infrastructure design for a specific location. All variances are evaluated on a case-by-case basis.

Variances are typically requested when an unusual or unreasonable hardship exists resulting from a literal interpretation of the City design requirements. A separate variance must be obtained for each deviation from the City design requirements and for each specific location. A variance may be granted, provided the proposed alternative design conforms to the general intent of the City design requirements and does not compromise the health, welfare, and safety of the public. An approved design variance shall not be openly applied to any other location not specified in the request.

Variance requests must be justified based on technical evidence, sound engineering, or extenuating circumstances such as exceptional site conditions. Financial impacts or time delays may not be used as justification for a variance.

All variance requests shall be submitted in writing to Engineering Development Review and must, at a minimum, contain the following:

- Identification of Applicant and project for which the variance is being requested.
- Recitation of the City design requirements from which the Applicant seeks a variance.
- Justification for not complying with the City design requirements.
- Alternate criterion or standard proposed to comply with the intent of City design requirements.
- Supporting documentation, including necessary calculations, reference materials, software output, design plans, details, specifications, installation and maintenance requirements, etc., adequate to evaluate how the proposed variance satisfies the intent of the City design requirements.
- Signature and stamp of a Professional Engineer licensed in the State of Colorado.
- Vicinity map attached on a separate page.

Additional information may be requested in order to more fully understand the proposed variance and the implications of its implementation. A pre-submittal conference is advisable to discuss the proposed variance and submittal contents prior to the formal request being submitted.

A request for a variance does not guarantee approval. The right to deny any request for a variance is reserved. Approval of a variance is based on the specific conditions of a particular project or situation and is limited to the circumstances for which it is requested. Approval of a variance does not constitute an amendment to the City design requirements. Subsequent applications of an approved variance require the submittal of a separate variance request and approval prior to its application to a project.

Variance request letters can address multiple deviations from City design requirements in a single document. Variance request letters must act as stand-alone documents, and may not reference separate reports or plans.

Public Works Design Variance Committee shall be comprised of three (3) members from the Public Works Department:

- Chairperson shall be the City Engineer/Deputy Public Works Director.
- Vice Chairperson shall be the City Traffic Engineer.
- Board Member shall be the Operations and Maintenance Division Manager.

Public Works Design Variance Committee meetings shall be held on the second Tuesday of every month unless otherwise scheduled more frequently to meet the demands for Development Review. The Chairperson may cancel for lack of items or lack of quorum, or otherwise cancelled by the Committee, at such time and place as the Chairperson shall designate. A majority of the Committee shall constitute a quorum.

This variance request policy does not apply for the Drainage Criteria Manual. Although similar, a separate variance policy clarification is provided by the Stormwater Enterprise. The Planning Department should be copied on all variance requests.